REMARKS

This Response is to the Non-Final Office Action dated June 24, 2011 and the telephonic Examiner Interview of September 22, 2011. In the Office Action, claims 11, 13 to 20, 28 and 30 to 38 are pending and rejected, with claims 1 to 10, 12, 21 to 27 and 29 having been previously cancelled. By this Response, claims 11 and 15 have been amended. Support for the amendments can be found at least at paragraphs [0006] to [0012]. A petition for a one-month extension of time is submitted herewith. Please charge Deposit Account No. 02-1818 for the extension of time and for any other fees due in connection with this Response.

In the Office Action:

(i) claims 11, 14 to 16, 28 and 30 to 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,364,834 to Reuss ("*Reuss*") in view of U.S. Publication No. 2002/0016568 to Lebel et al. ("*Lebel*") and further in view of U.S. Patent No. 5,331,549 to Crawford ("*Crawford*");

(ii) claims 7, 13, 17, 18 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Reuss*, *Lebel*, *Crawford* and further in view of U.S. Patent No. 6,057,758 to Dempsey et al. ("*Dempsey*"); and

(iii) claim 19 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Reuss*, *Lebel*, *Crawford* and further in view of www.catharsismedical.com.

Telephonic Examiner Interview

Examiner Rapillo courteously granted Applicants' representative a telephone interview regarding this case on September 22, 2011. As discussed and generally agreed upon in the interview, Applicants have entered amendments to the pending independent claims to further distinguish over the art references cited in the Office Action. Specifically, Applicants' representative highlighted a primary distinction between the present application and both *Reuss* and *Lebel*. As discussed on the interview, although *Reuss* appears to disclose a system whereby messages can be sent to a first computer and then forwarded to a remote device, *Reuss* fails to disclose, teach or suggest that this message is automatically generated in response to a request generated by a program within a software application executed by the remote device. The independent claims have each been slightly amended to claim this distinction, and further specify that: (a) the request is generated by a program within a software application executed by the

remote device; and (b) the response message generated automatically by the second computer is in response to the request. Both Applicants' representative and the Examiner agreed that *Reuss* fails to disclose that the remote device includes software that generates a request, and that the response message is generated automatically by the second computer in response to the request from the remote device. Accordingly, Applicants respectfully submit that the claims as amended are unobvious over the art of record and are in condition for allowance. Each rejection from the Office Action is addressed in turn below in view of the current amendments.

35 U.S.C. §`103(a) Rejection

Regarding the rejection of claims 11, 14 to 16, 28 and 30 to 38 over *Reuss* in view of *Lebel* and *Crawford* and as discussed in the interview, Applicants respectfully disagree with the Office Action's interpretation and combination of references for the following reasons.

Regarding claim 11, the Office Action states that *Reuss* teaches several features, including a supplemented response message generated by the first central computer including the response message generated by the second central computer plus additional data added by the first central computer. The Office Action states that *Reuss* fails to disclose:

> a system comprising, the additional data including status information related to an administration of medication to a patient by the infusion pump and programming information for the infusion pump, wherein the response message generated by the first central computer is provided in a humanly readable format on the visual display of the portable remote device and a portable remote device configured for the clinician to access a list of patients for which the clinician is responsible which have an alarm or alert condition, each alarm condition having an associated icon, and wherein each alarm icon is associated with a clinician task.

[Office Action, page 3, emphasis in original].

As discussed above, claim 1 has been amended to further specify the generation and effect of the request sent from the portable remote device to the first and second computers. Specifically, amended Claim 1 now requires that the request be generated by a program within a software application of the remote device, and that the response message is generated automatically by the second computer in response to the request. Support for these amendments can be found at least in paragraphs [0006] to [0012] of the specification. When a request is made from the remote device, the request is generated and sent to the second computer, which, in response, automatically generates a response message and sends it to the first computer through

the network. Unlike *Reuss*, a request is generated by the software of the portable remote device and the message is automatically generated in response to the request sent to the second computer. *Reuss's* response message is simply a text message that may be forwarded. [*Reuss*, column 5, lines 13 to 61; column 16, lines 16 to 34]. Nothing in *Reuss* discloses, teaches or suggests that the text message, which can be forwarded, is generated automatically and in response to a request made by a software application in the remote device.

Lebel is directed generally to an implantable infusion pump with operational functionality that is at least in part controlled by software operating in two processor ICs, which are configured to perform some different and some duplicate functions. The pump exchanges messages with an external device via telemetry, and each processor controls a different part of the drug infusion mechanism such that both processors must agree on the appropriateness of drug delivery for infusion to occur. [*Lebel*, abstract]. Like *Reuss* discussed above, *Lebel* fails to disclose or suggest a system in which a request is generated by software of the portable remote device and a response message is automatically generated in response to the request sent to the second computer.

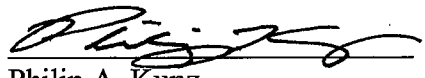
Applicants respectfully submit that the other cited references *Crawford*, *Dempsey* and www.catharsismedical.com fail to cure the deficiencies of *Reuss* and *Lebel*. Applicants respectfully submit that for at least the above reasons, and those discussed in the September 22, 2011 interview, claim 11 is patentable over the art of record, and in condition for allowance.

Claim 15 has been amended to include similar changes as agreed upon in the interview and entered into claim 11. Applicants respectfully submit that for at least the reasons discussed above, and due to the interview discussion and agreement, both claims 11 and 15 (as well as dependent claims 13, 14, 16 to 20, 28 and 30 to 38) are now patentable over the art of record.

Regarding the separate obviousness rejections, Applicants respectfully submit that claims 7, 13, 17, 18 and 20 are patentable over the combination of *Reuss*, *Lebel*, *Crawford* and *Dempsey* and claim 19 is patentable over the combination of *Reuss*, *Lebel*, *Crawford* and www.catharsismedical.com for the same reasons as given for their respective independent claims.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same.

Respectfully submitted,
K&L Gates LLP

BY 

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